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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Karatzas *et al.*

Confirmation No.: 6046

Serial No.: 10/501,183

Art Unit: 1646

Filed: October 7, 2006

Examiner: Chih Min Kam

For: METHODS OF PRODUCING SILK  
POLYPEPTIDES AND PRODUCTS  
THEREOF

Attorney Docket No: 9529-008-999

**RESPONSE TO SPECIES ELECTION/RESTRICTION REQUIREMENT**

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This paper is in reply to the Species Election/Restriction Requirement dated January 10, 2008, for the above-identified patent application. In the Species Election/Restriction Requirement, the Patent Office states that Applicants are required under 35 U.S.C. § 121 to make four separate species elections, namely, to elect

- (1) a single disclosed species of iterated peptide motifs from the amino acid sequences of SEQ ID NO:4-27 (claim 18) and the corresponding GPG(X)<sub>n</sub>, (GA)<sub>n</sub>, A<sub>n</sub> and GGX (claim 22);
- (2) a single disclosed species of repetitive unit of ADF-1, ADF-2, ADF-3, ADF-4, ABF-1, MaSpI, MaSpII, MiSpI, MiSpII and Flag (claim 19) and the allegedly corresponding amino acid sequences of SEQ ID NO:1-3 (claim 20);
- (3) a single disclosed species of non-repetitive hydrophilic amino acid domain of ADF-1, ADF-2, ADF-3, ADF-4, ABF-1, MaSpI, MaSpII, MiSpI, MiSpII and Flag (claim 31); and
- (4) a single disclosed species from the additional peptide sequences of i) a secretory signal peptide sequence, ii) a c-myc-epitope and iii) a histidine tag for prosecution on the merits.

The Patent Office requires that Applicants identify claims encompassing the elected species.

Applicants elect, with traverse, the following species.

(1) Iterated peptide motif of AAAAAAAAAA, which is SEQ ID NO: 12, corresponding to  $A_n$ .

Claims encompassing this species include claims 1-41.

(2) Repetitive unit of MaSpI, having an amino acid sequences of SEQ ID NO:1. Claims encompassing this species include claims 1-41.

(3) Non-repetitive hydrophilic amino acid domain of MaSpI. Claims encompassing this species include claims 1-41.

(4) Additional peptide sequence of a secretory signal peptide sequence. Claims encompassing this species include claims 1-41.

Applicants respectfully traverse the species election/restriction requirement because the Patent Office, while alleging that the species are "patentable distinct due to their mutually exclusive characteristics," has not explained why the differences, say, between iterated peptide motifs AAAAAA (SEQ ID NO:4), GAGA (SEQ ID NO.:6), GAGAGA (SEQ ID NO.:7) and AAAAAAAAAA (SEQ ID NO:12), amount to patentable distinct differences since any single repetitive unit typically includes more than one type of iterated peptide motif. For instance, repetitive unit MaSpI comprises iterated peptide motifs such as  $(GA)_n$  and  $A_n$ .

Applicants reserve their rights to pursue any non-elected subject matter in other patent applications.

No fee, other than that for the accompanying Petition for an Extension of Time, are believed to be due. However, the Commissioner is authorized to charge any additional fee required or credit any overpayment for this Response to Jones Day Deposit Account No. 50-3013 (order no. 602922-999007).

Date: June 6, 2008

Respectfully submitted,



54,398

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